

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RICHARD J. REYNA SR,

Plaintiff,

ORDER

v.

10-cv-611-slc

RICK RAEMISCH, JEFFERY PUGH and
Officer VARLEY,

Defendants.

Plaintiff Richard Reyna, a prisoner at the Stanley Correctional Institution in Stanley, Wisconsin, has submitted a proposed complaint in this case. He has not paid the \$350 filing fee or submitted a copy of his trust fund account statement for the six-month period immediately preceding the filing of the complaint. Therefore, I construe the complaint to include a request for leave to proceed *in forma pauperis*. A decision on the request will be delayed until plaintiff submits a trust fund account statement for the six-month period immediately preceding the filing of the complaint as required by 28 U.S.C. § 1915(a)(2).

Plaintiff's complaint was submitted on October 8, 2010. His trust fund account statement should cover the six-month period beginning approximately April 12, 2010 and ending approximately October 11, 2010. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that plaintiff may have until November 8, 2010, in which to submit a certified copy of his trust fund account statement for the period beginning approximately April 12, 2010 and ending approximately October 11, 2010. If, by November 8, 2010, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to plaintiff's filing his case at a later date.

Entered this 15th day of October, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge